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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

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EXAMINER

FLANDRO, RYAN M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/910,960

Applicant(s)

OLOFSSON ET AL.

Examiner

Ryan M Flandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Specification***

1. The substitute specification submitted 06 February 2003 is entered and overcomes the objections made in the previous Office action (paper no.7). If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, however, specific reference to the earlier filed application must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months

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from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional. The petition should be directed to the Office of Petitions, Box DAC, Assistant Commissioner for Patents, Washington, DC 20231.

### ***Claim Objections***

2. Again, claims 2 and 3 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, claims 2 and 3 fail to further limit the structure of the guiding means.

***Claim Rejections - 35 USC § 112***

3. In light of Applicant's Amendment filed 06 February 2003, the rejections made in the previous Office action (paper no. 7) under 35 U.S.C. §112, second paragraph, are hereby withdrawn.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (WO 96/27721) in view of Parasin (US 5,165,816).

a. Claims 1-3. Martensson discloses a guiding means at a joint between boards **1**, the joint comprising a groove **6** and a tenon **7**, wherein a fitting clearance between the tenon **7** and the groove **6** includes a first fitting clearance (clearance between top of **12** and top of **13** in figure 2) and a second, guiding, fitting clearance (clearance between bottom of **12** and bottom of **13** in figure 2) which second, guiding, fitting clearance is obtained through the guiding wedges **9** whereby the first fitting clearance comprises the main part of the fit and the second, guiding, fitting, clearance comprises a smaller part of the fit, and that the respective surfaces of the joint are provided with recesses (recessed areas above and below rear neck **11**) so that cavities are formed in the joint.

i. Martensson lacks disclosure of the recesses provided on the surfaces of the joint so that cavities are formed *to hold the glue used for joining*.

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ii. Parasin, however, teaches that the respective surfaces of the joint are provided with recesses to form cavities **42, 44, 46** between the tenon **12** and the groove **14** to accommodate excess glue applied during a manufacturing process wherein the glue is activated before joining the tenon **12** with the groove **14** (see figure 2; column 3 lines 16-22).

iii. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the joint of Martensson to include recesses on the surfaces of the joint to form cavities to accommodate excess glue as taught by Parasin.

b. Claims 2 and 3. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

c. Claim 4. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 1 mm and a second, guiding, fitting clearance in the range of 0.01 – .2 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 1 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.2 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Allen*, 105 USPQ 233.

d. Claim 5. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 0.5 mm and a second,

guiding, fitting clearance in the range of 0.02 – 0.1 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.02 – 0.1 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Allen*, 105 USPQ 233.

e. Claim 6. The combination of Martensson and Parasin, as applied to claim 1 above, lacks disclosure of a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.1 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create a first fitting clearance in the range of 0.1 – 0.5 mm and a second, guiding, fitting clearance in the range of 0.01 – 0.1 mm since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Allen*, 105 USPQ 233.

f. Claims 7 and 8. The combination of Martensson and Parasin, as applied to claim 1 above, includes guiding wedges 9 arranged parallel to the extension of the joint (Martensson figures 2 and 3). In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the guiding wedges 9 of the combination of Martensson and Parasin to be arranged perpendicular to the extension of the joint, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

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g. Claims 9-16. The combination of Martensson and Parasin, as applied above, further includes a guiding means **9** forming a part of the floor boards which together form a floor (see Martensson column 1 lines 53-56), whereby the core **1** of the boards is constituted by particle board (Martensson column 3 lines 31-33) and that at least the upper side of the board is constituted by a decorative thermosetting laminate **17** (Martensson column 3 lines 31-33).

### *Response to Arguments*

6. Applicant's arguments filed 06 February 2003 have been fully considered but they are not persuasive.

7. In response to applicant's argument that "cavities are voids in a structure wherein a cross-section is closed on all sides" (paper no. 10, page 6, lines 2-3), the Examiner respectfully disagrees. A cavity is defined broadly as "a hole; a hollow place" (Webster's New World Dictionary, College Edition ©1968). Both Parasin and Martensson show cavities within this definition. In any event, Martensson further shows recesses provided on the surfaces of the joint so that cavities are formed with a closed cross-section (recessed areas above and below rear neck 11 become closed when the joint is made) as set forth above. During an interview on 09 January 2003, Applicant's representative asserted that neither Martensson nor Parasin shows a plurality of cavities as claimed (see paper no. 8). Applicant's representative further noted that the response to the Office action (paper no. 7) would include a clarification of the claimed cavities. The amendment submitted 06 February 2003 did not, however, recite additional clarifying

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language within the claim. As such, the rejection of claims 1-16 contained herein is deemed proper.

*Conclusion*

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 06 February 2003 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ryan M. Flandro  
April 25, 2003



**Lynne H. Browne**  
*Supervisory Patent Examiner*  
**Technology Center 3670**